



CITY COUNCIL AGENDA REPORT

MEETING DATE: DECEMBER 6, 2005

ITEM NUMBER:

SUBJECT: GENERAL PLAN AMENDMENT GP-05-01 AND REZONE R-05-01
2501 HARBOR BOULEVARD

DATE: NOVEMBER 22, 2005

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: MEL LEE, AICP SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP SENIOR PLANNER
(714)754-5611

RECOMMENDATION:

The Planning Commission, on a 5 to 0 vote, recommended that the City Council take the following actions:

1. Adopt attached resolution approving the Initial Study/Negative Declaration and General Plan Amendment, which changes the General Plan land use designation from High Density Residential and Public/Institutional to Medium Density Residential.
2. Give first reading to the ordinance rezoning the property from Planned Development Residential-High Density (PDR-HD) and Institutional & Recreational (I&R) to Planned Development Residential-Medium Density (PDR-MD).

BACKGROUND:

The vacant 5-acre portion of the subject site was part of the Fairview Developmental Center, which is owned and operated by the State of California. The subject site has two general plan and zoning designations; the portion of the site north of Shelley Circle, which has a general plan designation of High Density Residential and is zoned PDR-HD; and Shelly Circle itself, which is proposed to be abandoned and consolidated into the project site, which has a general plan designation of Public/Institutional and is zoned I&R.

Earlier this year, City Council directed staff to initiate a change in the general plan designation for the subject site to Medium Density Residential and a rezone to PDR-MD, which was scheduled for the April 11, 2005 Planning Commission meeting as GP-05-01 and R-05-01. Although Planning Commission recommended approval of the GPA and rezone to City Council. Council, at their May 3, 2005 meeting, referred the GPA and rezone back to Planning Commission, at the request of the State, pending resolution of their negotiations to sell the property for development. The State has since entered into

an agreement with Richmond American Homes of California, Inc., to sell the subject site and develop the property as described below. The exhibits included in this report reflect the final agreed upon site boundaries. On November 14, 2005, Planning Commission recommended approval of the general plan amendment and rezone for this property.

ANALYSIS:

In addition to recommending approval of the GPA and rezone, Planning Commission also approved Planning Application PA-05-36 and Vesting Tentative Tract Map VT-16937 for the subject site, pending City Council's action on the GPA and rezone. PA-05-36 and VT-16937 includes a master plan to construct a 37-unit, two-story, detached, common interest development with a condominium map to allow the units to be sold independent of one another. Since the Commission is the final review authority for PA-05-36 and VT-16937, no further action on these entitlements are required.

Under High Density Residential (20 units/acre), a maximum of 100 units is allowed on the site; under Medium Density Residential (12 units/acre), a maximum of 60 units is allowed on the site. Therefore, the general plan amendment would result in an overall loss in dwelling unit potential of 40 units. However, because an equivalent increase in housing is provided elsewhere in the City through other residential projects, no violation in state law will occur. Additional information is contained in the Planning Commission staff report attached to this memo.

In accordance with the California Environmental Quality Act (CEQA), an Initial Study/Negative Declaration (IS/ND) was prepared for the project. The IS/ND identified impacts that would be reduced to a level considered less than significant or no impact with appropriate conditions of approval and mitigation measures, if the project is approved. The Initial Study/Negative Declaration is a separately bound document due to its size. The Negative Declaration was made available for public review, as required by CEQA.

ALTERNATIVES CONSIDERED:

City Council may consider the following alternatives:

1. Approve the general plan amendment and rezone as recommended by the Planning Commission; or
2. Take no action on the general plan amendment and rezone, and retain the property's current general plan and zoning designations, which would not allow the project approved under PA-05-36 and VT-16937 to proceed on this property due to the portion of the site (Shelly Circle) proposed to be abandoned and consolidated into the project site, which has a general plan designation of Public/Institutional and is zoned I&R.

FISCAL REVIEW:

Fiscal review of the subject request is not necessary.

LEGAL REVIEW:

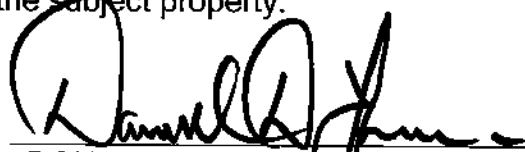
Legal review of the subject request is not necessary.

CONCLUSION:

The Commission determined that the proposed general plan amendment and rezone will allow a development will be compatible with the uses in the surrounding area, as well as provide a substantial improvement to the subject property.



MEL LEE, AICP
Senior Planner



DONALD D. LAMM, AICP
Deputy City Mg./Dev. Svs. Director

DISTRIBUTION: City Manager
City Attorney
City Clerk (2)
Staff (4)
File (2)

Richmond American Homes of
California, Inc.
Attn: Mark Rosene
16845 Von Karman, Suite 100
Irvine, CA 92606

Richmond American Homes of
California, Inc.
Attn: Jeff Stargardter
16845 Von Karman, Suite 100
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Attn: Pamela Y. Pullen
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Government Solutions
Attn: Coralee S. Newman
230 Newport Center Drive, Suite 210
Newport Beach, CA 92660

Government Solutions
Attn: Stephanie Kyle
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Newport Beach, CA 92660

Adams – Streeter Civil Engineers, Inc.
Attn: Randal L. Streeter
15 Corporate Park
Irvine, CA 92606

Robert Mitchell & Associates
Attn: Robert Mitchell
22982 El Toro Road
Lake Forest, CA 92630

State of California Department of
General Services
Attn: Robert McKinnon
707 Third Street, Sixth Floor
West Sacramento, CA 95605

- ATTACHMENTS:
1. Draft City Council Resolution and Exhibits
 2. Draft Ordinance and Exhibits
 3. Minutes from Planning Commission Meeting of November 14, 2005
 4. Planning Staff Report
 5. Planning Commission Resolution
 6. Initial Study/Negative Declaration (Separately Bound Document)

File Name: 120605GP0501R0501	Date 112105	Time 3:30 p.m.
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RESOLUTION NO. 05-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA APPROVING GENERAL PLAN AMENDMENT
GP-05-01 AMENDING THE LAND USE DESIGNATION FROM
HIGH DENSITY RESIDENTIAL AND
PUBLIC/INSTITUTIONAL TO MEDIUM DENSITY
RESIDENTIAL FOR 2501 HARBOR BOULEVARD**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City Council of the City of Costa Mesa adopted the 2000 General Plan on January 22, 2002; and

WHEREAS, the General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of Costa Mesa; and

WHEREAS, by its very nature, the General Plan needs to be updated and refined to account for current and future community needs; and

WHEREAS, with respect to the approximately 5-acre vacant real property located at 2501 Harbor Boulevard, General Plan Amendment GP-05-01 amends the 2000 General Plan land use map as shown in Exhibit "A" from High Density Residential and Public/Institutional to Medium Density Residential; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 14, 2005; and

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and an Initial Study/Negative Declaration and a Mitigation Monitoring Program was prepared, which reflect the independent judgment of the City of Costa Mesa, and was available for public review from October 14, 2005, to November 14, 2005, as required by CEQA; and

WHEREAS, a duly noticed public hearing was held by the City Council on December 6, 2005 in accordance with Section 65355 of the Government Code of the State of California, with all persons having been given the opportunity to be heard both for and against said General Plan Amendment GP-05-01; and

WHEREAS, the approximately 5-acre site was not included in the City's Housing Element "Vacant Land inventory" as a suitable site for future housing construction; and

WHEREAS, since the adoption of the City's General Plan, the City has taken several actions that have increased the City's potential housing stock, as documented in the Planning Division staff report for GP-05-01; and

WHEREAS, the City Council deems it to be in the best interest of the City that said general plan amendment and rezone be adopted.

BE IT RESOLVED, according to the Initial Study/Negative Declaration, which reflects the independent judgment of the City of Costa Mesa, the proposed project would not have a significant effect on the environment. Additionally, the evidence in the record as a whole indicates that the project will not or cumulatively have an adverse effect on wildlife resources or habitat; and

BE IT RESOLVED, that the Costa Mesa City Council does hereby find and determine that, based on the evidence in the record, the City Council hereby **APPROVE** the Initial Study/Negative Declaration and GP-05-01 to change the land use designation as shown in Exhibits "A" and "B" with respect to the property described above.

BE IT FURTHER RESOLVED that the adoption of GP-05-01 does not affect the future housing inventory in the City's Housing Element, which was used in its certification by the State of California Department of Housing and Community Development in November 2001.

PASSED AND ADOPTED this 6th day of December, 2005.

ATTEST:

Mayor of the City of Costa Mesa

APPROVED AS TO FORM:

Deputy City Clerk of the City of
Costa Mesa

City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certifies that the above and foregoing Resolution No. _____ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the _____ day of _____, 2005.

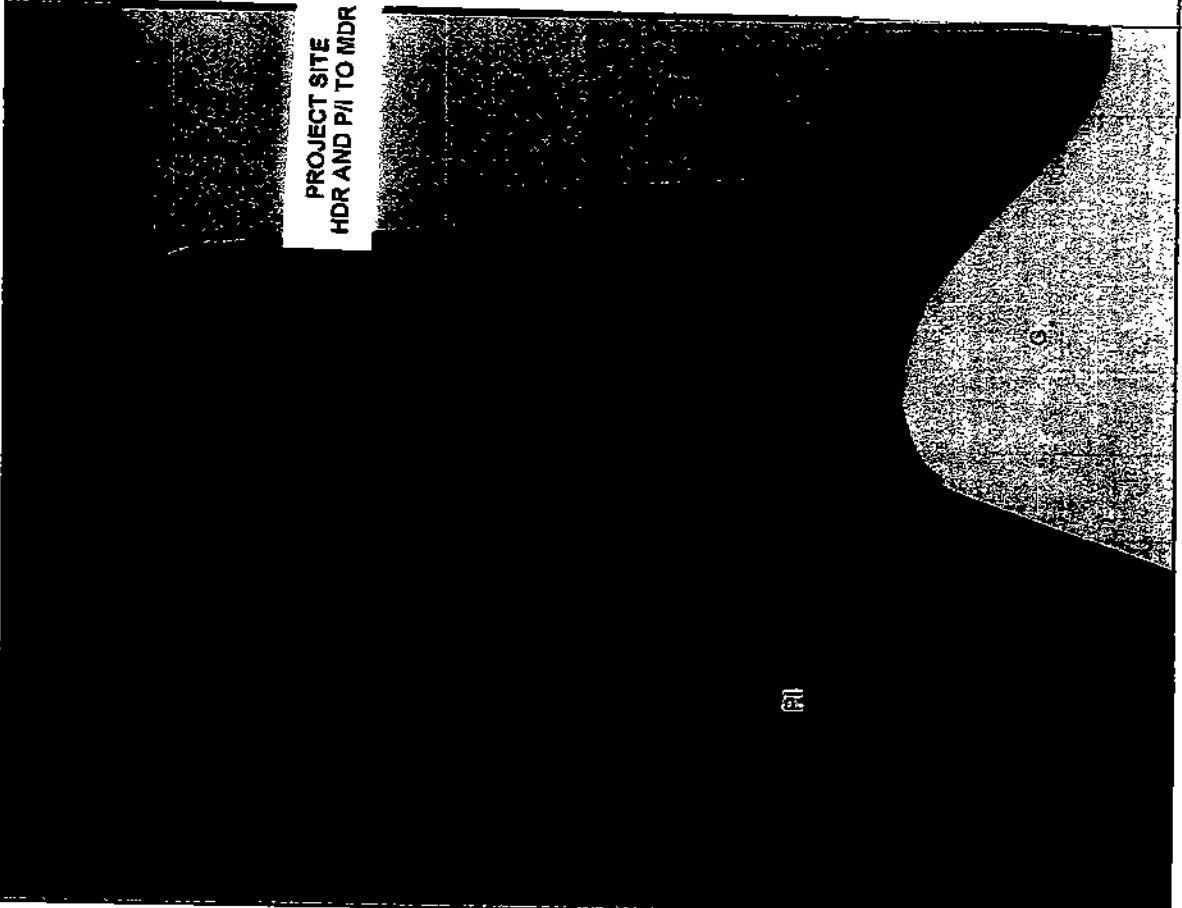
IN WITNESS WHEREOF, I have herby set my hand and affixed the Seal of the City of Costa Mesa this _____ day of _____, 2005.

Deputy City Clerk and ex-officio Clerk of the
City Council of the City of Costa Mesa

EXHIBIT "A"

PROPOSED GENERAL PLAN MAP

2501 HARBOR BLVD. - GP-05-01



PROJECT SITE
HDR AND P/I TO MDR

LDR

RI

Legend	
	Selected Features
	Parcel Line
	General Plan
	Other
	Cultural Area Center
	Commercial Center
	Commercial Residential
	Park
	Golf Course
	General Commercial
	High Density Residential
	Industrial Park
	Low Density Residential
	Light Industrial
	Medium Density Residential
	Neighborhood Commercial
	Public/Institutional
	Regional Commercial
	Urban Center Commercial
	Parcels



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TABLE LU-1: LAND USE DESIGNATIONS (2005)

Land Use Designation	Residential Density DU/Acre ¹	Floor Area Ratio	Acres Developed	Acres Undeveloped (1999)	Total Acres	% of City
Low-Density Residential	≤8	Same as Neighborhood Commercial	2,168.3	1.8	2,170.1	26.8%
Medium-Density Residential ¹	≤12	Same as Neighborhood Commercial	794.5	30.7	825.2	10.2%
High-Density Residential ¹	≤20 ²	Same as Neighborhood Commercial	836.3	42.0	878.3	10.8%
Commercial-Residential	≤17.4	0.20/High Traffic 0.30/Moderate Traffic 0.40/Low Traffic	42.6	0.9	43.5	0.5%
Neighborhood Commercial	-	0.15/High Traffic 0.25/Moderate Traffic 0.35/Low Traffic 0.75/Very Low Traffic	42.4	2.5	44.9	0.6%
General Commercial	≤20	0.20/High Traffic 0.30/Moderate Traffic 0.40 Low Traffic 0.75/Very Low Traffic	610.7	20.4	631.1	7.8%
Commercial Center	≤20 ≤40 site-specific density for 1901 Newport Blvd ³	0.25/High Traffic 0.35/Moderate Traffic 0.45 Low Traffic 0.75/Very Low Traffic 0.70 Site-Specific FAR for 1901 Newport Blvd ³	29.4	63.3	92.7	1.2%
Regional Commercial	≤20	0.652/0.89 ⁴	114.7	0.0	114.7	1.4%
Urban Center Commercial	≤20	0.50 Retail 0.60 Office 0.79 Site-Specific FAR for So.Coast Metro Center ⁵	134.2	26.2	160.4	2.0%
Cultural Arts Center	-	1.77	49.0	5.0	54.0	0.7%
Industrial Park	≤20	0.20/High Traffic 0.30/Moderate Traffic 0.40/Low Traffic 0.75/Very Low Traffic	696.5	17.7	714.2	8.8%
Light Industry	≤20	0.15/High Traffic 0.25/Moderate Traffic 0.35/Low Traffic 0.75/Very Low Traffic	375.5	6.6	382.1	4.7%
Public/Institutional	-	0.25	1,281.3	0.5	1,281.8	15.8%
Golf Course	-	<0.01	560.1	0.0	560.1	6.9%
Fairgrounds	-	<0.10	146.4	0.0	146.4	1.8%
Total			7,881.9	217.6	8,099.5	100.0%

¹ Within the Medium- and High-Density Residential designation, existing residential units legally built in excess of the dwelling units per acre standard may be rebuilt at the same higher density subject to other zoning code standards. The allowable density or number of units to be redeveloped would be limited to the 1990 General Plan density with a 25% incentive bonus for Medium-Density or a 50% incentive bonus for High-Density; or the existing number of units, whichever is less.

² See High-Density Residential text regarding an area in North Costa Mesa where the density allowance is 25 to 35 DU/acre.

³ See Commercial Center text. ⁴ See Regional Commercial text. ⁵ See Urban Center Commercial text.

**TABLE LU-2
INDUSTRIAL AREAS**

Industrial Area	General Plan	Total Acres
Southwest	Light Industry	312
Airport	Industrial Park	390
North	Industrial Park	323
Other	Light Industry	72
Total		1,097

The third industrial area is the 323-acre industrial park located between the San Diego Freeway, Fairview Road, the Santa Ana River, and the northerly City limits. This district is a part of a larger industrial area which extends northward into the City of Santa Ana. The primary users of this industrial area are large single-tenant manufacturing firms and corporate offices. Included within this district is the 14.5-acre portion of the Home Ranch area located north of South Coast Drive and west of Susan Street.

The remaining 72 acres of land designated for light industrial uses are located in five smaller pockets in various sections of the City. These areas are generally characterized by small parcels in areas which were designated for industrial uses by the City's original zoning plan.

PUBLIC AND INSTITUTIONAL AREAS

Costa Mesa contains a relatively high percentage of land designated for public and institutional use. A total of 1,281 acres is specified in this category. When combined with the golf course and fairgrounds designations, these uses constitute 25 percent of the City's area.

This high proportion is primarily the result of past actions of various governmental entities. The development of the Santa Ana Army Air Base during World War II was the first major land acquisition by a governmental agency. This site has since been divided and remains largely in public ownership. The current users of the site are: Orange Coast College, Costa Mesa High School, Davis Middle School, Presidio Elementary School, TeWinkle Park, the National Guard Armory, Orange County Fairgrounds, Costa Mesa Farm Soccer Complex, Civic Center Park, City Hall, and Vanguard University.

A major land acquisition by the State in 1950 was responsible for the public ownership of the Costa Mesa Golf and Country Club, and Fairview Park. In 1950, 750 acres were acquired for a State institution. Today, the Fairview Developmental Center occupies 111 acres of the original 750 acre site. The golf course and most of Fairview Park belong to the City. Acquisitions by the City and County have expanded this area to include the Talbert Regional Park site adjacent to the Santa Ana River and the adjoining City Canyon Park.

Three golf courses exist within Costa Mesa and its sphere of influence. The previously mentioned Costa Mesa Golf and Country Club is the only one of the three open to the public.

RESOLUTION NO. 05-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA DENYING GENERAL PLAN AMENDMENT
GP-05-01 AND REZONE PETITION R-05-01 FOR 2501
HARBOR BOULEVARD**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS
FOLLOWS:

WHEREAS, with respect to the approximately 5-acre vacant real property located at 2501 Harbor Boulevard, the General Plan land use designation is proposed to be changed from High Density Residential and Public/Institutional to Medium Density Residential and a rezone from Planned Development Residential-High Density (PDR-HD) and Institutional & Recreational (I&R) to Planned Development Residential-Medium Density (PDR-MD) is also proposed; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 14, 2005; and

WHEREAS, a duly noticed public hearing was held by the City Council on December 6, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the City Council hereby **DENIES** GP-05-01 and R-05-01 with respect to the property described above.

PASSED AND ADOPTED this 6th day of December, 2005.

ATTEST:

Mayor of the City of Costa Mesa

APPROVED AS TO FORM:

Deputy City Clerk of the City of
Costa Mesa

City Attorney

ORDINANCE 05-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA REZONING A PARCEL OF LAND FROM PLANNED DEVELOPMENT RESIDENTIAL-HIGH DENSITY (PDR-HD) AND INSTITUTIONAL & RECREATIONAL (I&R) TO PLANNED DEVELOPMENT RESIDENTIAL-MEDIUM DENSITY (PDR-MD) FOR 2501 HARBOR BOULEVARD

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The City of Costa Mesa Official Zoning Map is hereby amended as follows:

There is hereby placed and included in the PDR-MD zone all of the real property shown on attached Exhibit "1" and described in attached Exhibit "2", as 2501 Harbor Boulevard, situated in the City of Costa Mesa, County of Orange, State of California.

SECTION 2: Pursuant to the provisions of Section 13-22 of the Costa Mesa Municipal Code, the Official Zoning Map of the City of Costa Mesa is hereby amended by the change of zone described in Section 1 hereof and shown on attached Exhibit "3". A copy of the Official Zoning Map is on file in the office of the Planning Division.

SECTION 3: The proposed rezone was addressed in an Initial Study/Negative Declaration, which was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, which reflect the independent judgment of the City of Costa Mesa, was available for public review from October 14, 2005, to November 14, 2005, as required by CEQA, and approved by City Council under separate resolution.

SECTION 4: Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 5: Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 6: Publication. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and Within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this 6th day of December, 2005.

Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

Deputy City Clerk of the City of
Costa Mesa

City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

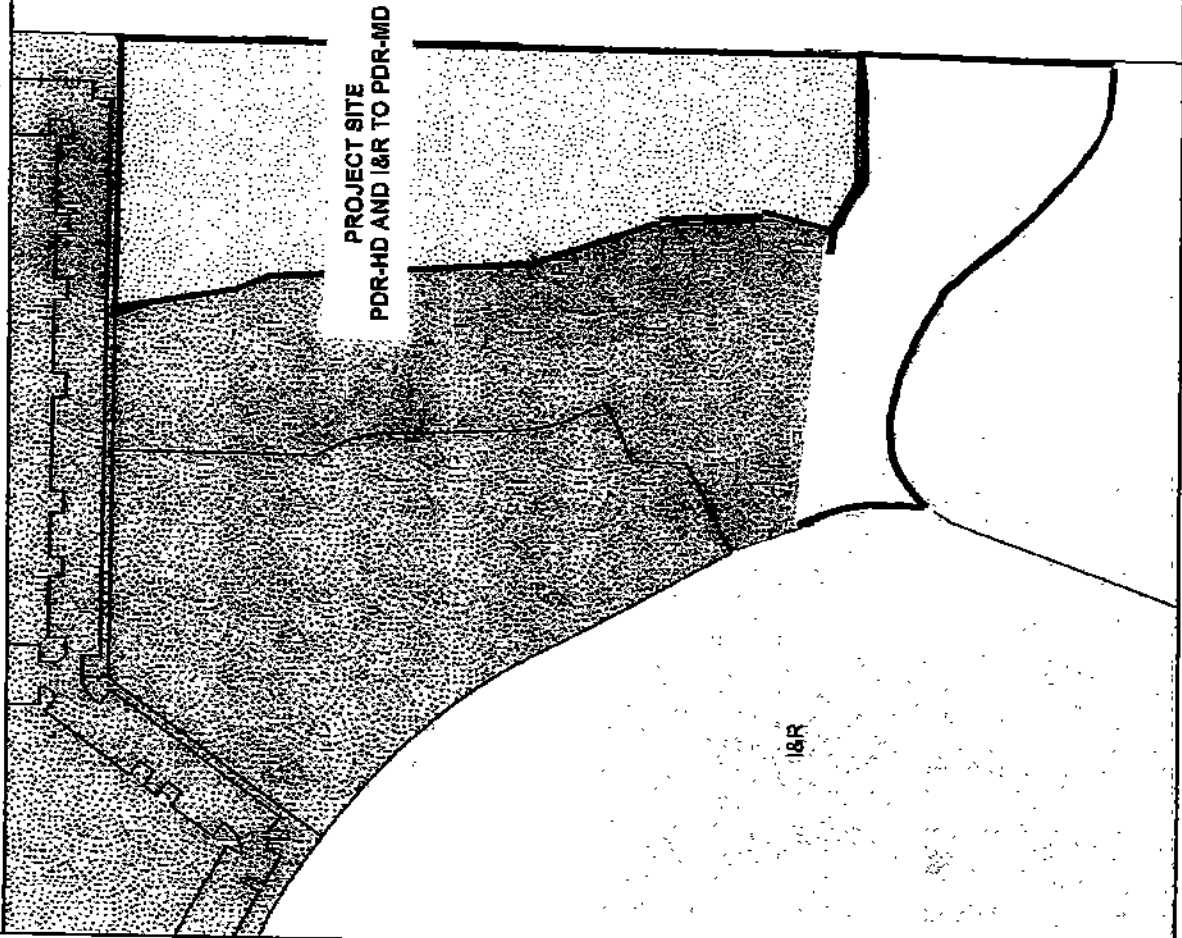
I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certifies that the above and foregoing Resolution No. _____ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the _____ day of _____, 2005.

IN WITNESS WHEREOF, I have herby set my hand and affixed the Seal of the City of Costa Mesa this _____ day of _____, 2005.

Deputy City Clerk and ex-officio Clerk of the
City Council of the City of Costa Mesa

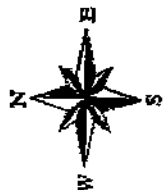
PROPOSED ZONING MAP

2501 HARBOR BLVD. - R-05-01



Legend

- Selected Features
- Parcel Lines
- Zoning
 - AP
 - C1
 - C2-8
 - C2
 - CL
 - IGR
 - IGR-S
 - MG
 - MP
 - P
 - PDC
 - PDI
 - PDR-HD
 - PDR-LD
 - PDR-MD
 - PDR-MCM
 - R1
 - R2-HD
 - R2-MD
 - R3
 - TC
- Parcel 12



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EXHIBIT "2"

ZONING DISTRICT	ADDRESS
PDR-MD (Planned Development Residential-Medium Density)	2501 Harbor Boulevard, situated in the City of Costa Mesa, County of Orange, State of California, further described per attached Exhibit "2A"

EXHIBIT "2A"

**Legal Description
For 2501 Harbor Boulevard**

Being a portion of said land within Lot "A" of the Banning Tract, in the Rancho Santiago De Santa Ana, as shown on a map of said tract filed in action no. 6385 in the Superior Court of the State of California in and for the County of Los Angeles. The land referred to herein is situated in the City of Costa Mesa, County of Orange, State of California.

EXHIBIT "2A"

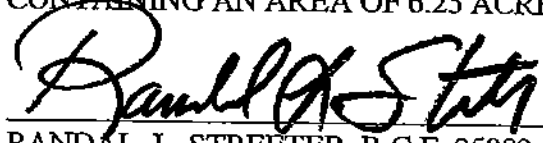
**Legal Description
For 2501 Harbor Boulevard**

THE LAND REFERRED TO HEREIN IS SITUATED IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA.

BEING A PORTION OF LAND WITHIN LOT "A" OF THE BANNING TRACT, IN THE RANCHO SANTIAGO DE SANTA ANA, AS SHOWN ON A MAP OF SAID TRACT FILED IN ACTION NO. 6385 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF LOS ANGELES DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLY TERMINUS OF THE SOUTH LINE OF LOT 2 OF TRACT NO. 12558 AS SHOWN ON A MAP RECORDED IN BOOK 594, PAGES 23 THROUGH 28 INCLUSIVE OF MISCELLANEOUS MAPS, RECORDS OF SAID COUNTY OF ORANGE, SAID POINT BEING IN THE WEST RIGHT-OF-WAY LINE OF HARBOR BOULEVARD AS DESCRIBED PER GRANT OF EASEMENT RECORDED IN BOOK 6460, PAGE 747 OF OFFICIAL RECORDS OF SAID COUNTY OF ORANGE, THENCE ALONG THE EASTERLY PROLONGATION OF SAID LINE NORTH $89^{\circ}42'18''$ EAST A DISTANCE OF 60.00 FEET TO THE CENTERLINE OF HARBOR BOULEVARD (120.00 FEET IN WIDTH) AS IT NOW EXISTS; THENCE ALONG SAID CENTERLINE OF HARBOR BOULEVARD SOUTH $00^{\circ}17'42''$ EAST, A DISTANCE OF 851.90 FEET; THENCE, DEPARTING SAID LINE SOUTH $89^{\circ}42'18''$ WEST, A DISTANCE OF 276.23 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 252.00 FEET, TO WHICH POINT A RADIAL LINE BEARS NORTH $37^{\circ}39'29''$ EAST, THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $7^{\circ}33'36''$, AN ARC LENGTH OF 33.25 FEET; THENCE NON-TANGENT TO SAID CURVE NORTH $30^{\circ}05'53''$ EAST, A DISTANCE OF 43.68 FEET; THENCE NORTH $00^{\circ}41'09''$ EAST, A DISTANCE OF 180.73 FEET; THENCE NORTH $25^{\circ}55'05''$ WEST, A DISTANCE OF 120.18 FEET; THENCE NORTH $00^{\circ}17'42''$ WEST, A DISTANCE OF 213.61 FEET; THENCE NORTH $04^{\circ}56'21''$ WEST, A DISTANCE OF 199.54 FEET; THENCE NORTH $23^{\circ}11'39''$ WEST, A DISTANCE OF 102.05 FEET TO THE SOUTH LINE OF LOT 2 OF SAID TRACT NO. 12558; THENCE ALONG SAID LINE NORTH $89^{\circ}42'18''$ EAST, A DISTANCE OF 326.36 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 6.25 ACRES MORE OR LESS.



RANDAL L. STREETER R.C.E. 25083
EXPIRATION DATE: 12-31-05



Excerpt from the minutes of the Planning Commission meeting of November 14, 2005

GENERAL PLAN
AMENDMENT GP-05-01
AND REZONE PETITION R-
05-01; PLANNING
APPLICATION PA-05-36
AND VESTING TENTATIVE
TRACT MAP VT-16937

Richmond American Homes

The Chair opened the public hearing for consideration for Richmond American Homes of California, Inc., to construct a 37-unit, two-story, detached, residential common interest development on a 5-acre parcel, located at 2501 Harbor Boulevard, currently in a PDR-HD and I&R zone. Environmental determination: Negative Declaration.

(a) GENERAL PLAN AMENDMENT GP-05-01/REZONE PETITION R-05-01 to change the General Plan land use designation from High Density Residential and Public/Institutional to Medium Density Residential, and a rezone from Planned Development Residential-High Density (PDR-HD) and Institutional & Recreational (I & R) to Planned Development Residential-Medium Density (PDR-MD) for property located at 2501 Harbor Boulevard.

(b) PLANNING APPLICATION PA-05-36 AND VESTING TENTATIVE TRACT MAP VT-16937 for a master plan amendment to construct a 37-unit, two-story, detached, residential common interest development with a vesting tentative map for common interest purposes.

(a) GENERAL PLAN
AMENDMENT GP-05-01
AND REZONE PETITION
R-05-01

Richmond American Homes

Senior Planner Mel Lee reviewed the information in the staff report and gave a presentation. He said staff was recommending adoption of the Negative Declaration, and that Planning Commission recommend to City Council, approval of the general plan amendment and rezone petition by adoption of Planning Commission resolution.

Cora Lee Newman, Government Solutions, 230 Newport Center, Newport Beach, representing Richmond American, gave a presentation of the applicant's request and intentions for the 5-acre vacant parcel located at 2501 Harbor Boulevard.

Ms. Newman noted that this project was noticed for a community meeting set up by Richmond American to address issues by surrounding residents. She said no one had concerns enough to attend the meeting, however, she did receive one call from a gentleman in the area who said he preferred the property to stay vacant versus having anything there.

In response to a question from Commissioner Garlich regarding the difference between "single-family detached" and "condominiums", Ms. Newman stated that they were using the condominium mechanism. It is a Planned Development community so as individual units, they are all detached, single-family homes and the resident will own their home, but the open space will be held in common.

Planning Commission Secretary R. Michael Robinson stated that if the applicants do have questions, comments, or suggested revisions to the mitigation measures of the Negative Declaration, that is something that should be done as a part of this motion because it includes the Negative Declaration along with the General Plan Amendment and Rezone Petition. He said changes in conditions of approval can be made in the following item.

Mark Rosene, Richmond American Homes, 16845 Von Karman, Irvine, offered changes and additions as shown in the motion below.

No one else wished to speak and the Chair closed the public hearing.

There was discussion between Commissioner Egan, Mr. Lee and City Engineer Ernesto Munoz regarding peak hour trip calculations, and trip generation rates.

MOTION (a):
GP-05-01R-05-01
Adopted Negative Declaration
Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Chair Perkins and carried 5-0 to adopt the Negative Declaration and recommend to City Council, approval of General Plan Amendment GP-05-01 and Rezone Petition R-05-01, by adoption of Planning Commission Resolution PC-05-75, based on information and analysis contained in the Planning Division staff report and findings contained in exhibit "A" with the following modifications and additions to the Negative Declaration:

Mitigation Measures (Exhibit C)

Air Quality

- 1.a. Limit on-site vehicle speed to ~~25~~ 15 miles per hour
- 1.b. Water material excavated or graded sufficiently to prevent excessive amounts of dust. Water at least twice daily, or as needed with complete coverage, preferably in the late morning and after work is done for the day.

Add subtitle: Cumulative Impacts

- 1.a. Fairview Developmental Center will continue to have access to Richmond American on-site construction personnel in the event any sort of construction operation inhibits the center's operations.
- 1.b. Richmond American will continue to work with Fairview Developmental Center to address any arising issues.

Mr. Lee stated that this item would be going to the City Council meeting of December 6, 2005.

(b) PLANNING
APPLICATION PA-05-36

Senior Planner Mel Lee said the applicants had thoroughly reviewed the information in the staff report and gave a presentation.

AND VESTING
TENTATIVE TRACT MAP
VT-16937

He said staff was recommending approval by adoption of Planning Commission resolution, subject to conditions.

Mark Rosene, Richmond American Homes, 16845 Von Karman, Irvine, agreed to the conditions of approval with the exception of Item #3, under Exhibit "B", which requests that the site not be raised more than 30 inches from the existing grade. He asked for a modification to raise that to 36" in order to meet drainage requirements. In response to the Chair, Mr. Rosene explained the reason for this change is that the site is very long (888 linear feet) and in order for them to drain it adequately, the high point will require drainage to drain to the north into the onsite storm drain facility so they must raise the site. Mr. Munoz said this is not an unusual situation and that the applicant has worked with staff to arrive at a solution for the drainage (Exhibit "B", condition of approval #3 as shown below).

Mr. Rosene also discussed the project location and adjacent uses as stated in the Negative Declaration and wished to clarify for the record that Fairview Developmental Center has some acute care facilities and there are nursing facilities other than just single-family homes as stated under "Project Location."

In response to the Chair regarding security issues, Mr. Rosene explained that this is an unmanned, gated facility for homeowners. There will be a call box for residents to call in their visitors. The Chair felt the trees would block visibility which he felt created a security issue/

No one else wished to speak and the Chair closed the public hearing.

Commissioner Fisler commended the applicants on this project and said as much as he would like to see it remain open space and he knows that is not going to happen. He said seeing the density reduced from 100 possible units to 37 units, and to see the number of parking spaces designated, especially covered parking spaces, is great for our City. There was no skimping on the parking and no extra units were crammed in. He said they have gone way beyond what they had to and he was happy with the results.

A motion was made by Commissioner Garlich, seconded by Chair Perkins and carried 5-0 to approve -Planning Application PA-05-36 and Vesting Tentative Tract Map Vt-16937, by adoption of Planning Commission Resolution PC-05-76, based on information and analysis contained in the Planning Division staff report and findings contained in exhibit "A", subject to conditions in exhibit "B" with the following modifications, and mitigation

MOTION (b):
PA-05-36/VT-16937
Approved

measures in exhibit "C" modified as in the motion adopting the Negative Declaration:

Conditions of Approval (Exhibit B)

3. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide property drainage, and in no case shall it be raised in excess of ~~30~~ 36 inches above the finished....

During discussion on the motion, Commissioner Garlich stated that this is a "good-looking" project; not overreaching and he also believed it would make Costa Mesa a better place to live, and add to the City's housing stock. He thanked the applicants for their efforts.

Commissioner Egan wished to add that she loved to see a project come through without variances.

The Chair said he agreed and echoed his fellow Commissioners' comments.

The Chair explained the appeal process.



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: NOVEMBER 14, 2005

III.2a.
ITEM NUMBER:

SUBJECT: GENERAL PLAN AMENDMENT GP-05-01 AND REZONE R-05-01
2501 HARBOR BOULEVARD

DATE: NOVEMBER 3, 2005

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5604

DESCRIPTION

Change the General Plan land use designation from High Density Residential and Public/Institutional to Medium Density Residential, and a rezone from Planned Development Residential-High Density (PDR-HD) and Institutional & Recreational (I&R) to Planned Development Residential-Medium Density (PDR-MD), for the approximately 5-acre vacant site located at 2501 Harbor Boulevard.

APPLICANT

The City of Costa Mesa initiated the GPA and rezone. Richmond American Homes of California, Inc., is the authorized agent, owner, and project developer.

RECOMMENDATION

Adopt the negative declaration and recommend to City Council approval of the general plan amendment and rezone by adoption of the attached resolution.



MEL LEE, AICP
Senior Planner



R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

- 2) **Rezone R-05-01** to change the zoning from PDR-HD (Planned Development Residential – High Density) and I&R (Institutional & Recreational) to PDR-MD (Planned Development Residential- Medium Density).
- 3) **Planning Application PA-05-36¹** for a master plan amendment to construct a 37-unit, two story, detached, common interest development.
- 4) **Vesting Tentative Tract Map VT-16937¹** for a condominium map to allow the units to be sold independent of one another.

General Plan Amendment

Under High Density Residential (20 units/acre), a maximum of 100 units is allowed on the site; under Medium Density Residential (12 units/acre), a maximum of 60 units is allowed on the site. Therefore, the general plan amendment would result in an overall loss in dwelling unit potential of 40 units. A recently-enacted state law prohibits the City from reducing the maximum allowable density on residentially zoned property unless an equivalent increase in density is provided elsewhere in the City (Government Code Section 65863).

In reviewing background data used in preparing the 2000 General Plan Housing Element, staff noted that this site was inadvertently left off the City's list of vacant and suitable sites available for future housing construction. This omission is due to the fact this vacant land is part of a larger parcel (112 acres) that contains the Fairview Developmental Center; therefore, it was not identified in the "vacant land" inventory. The 100 units that may be developed on this site were never included in the City's future housing construction estimates and, consequently, in the certification process of the City's Housing Element (certified by the Department of Housing and Community Development on November 19, 2001).

Additionally, since certification of the City's Housing Element, the City has taken the following actions that have increased the City's housing projections:

1. Approved general plan and zoning code amendments and a master plan for the development of 145 condominiums at 1901 Newport Boulevard. This approval includes the provision of 12 affordable units (7 low- to moderate-income units on site, and 5 very-low-income units off site) (2004);
2. Approved a rezone and conditional use permit to allow a 20-unit expansion to a senior citizen single-room occupancy (SRO) hotel at 2072/2080 Newport Boulevard (2001). This expansion is currently under construction.
3. Approved general plan and rezone amendments to change the General Plan designation from General Commercial to Medium Density Residential with the appropriate zoning to allow the construction of single family housing at

¹ PA-05-36 and VT-16937 are discussed in a separate staff report.

the lead agency determines that there is substantial evidence that the project could not have a significant effect on the environment, a Negative Declaration may be prepared.

An Initial Study/Negative Declaration (IS/ND) was prepared for the project. The (IS/MND) identified impacts that would be reduced to a level considered less than significant or no impact with appropriate conditions of approval and mitigation measures, if the project is approved. The Negative Declaration was made available for public review, as required by CEQA.

The Negative Declaration is a separately bound document and is not attached to this report due to its size.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Adopt the negative declaration and recommend City Council approve GP-05-01 and R-05-01, as recommended by staff; or
2. Recommend that City Council deny GP-05-01 and R-05-01. If the GPA and rezone are denied, the project as proposed under PA-05-36 and VT-16937 cannot go forward and the applicant could not submit substantially the same project for six months.

CONCLUSION

It is staff's opinion that the proposed general plan amendment and rezone will be compatible with the uses in the surrounding area. Therefore, staff recommends approval of the project.

Attachments: Draft Planning Commission Resolution
Exhibit "A" - Draft Findings
Exhibits "B" and "C" - Maps
Initial Study/ Negative Declaration (Separately Bound Document)

Distribution: Deputy City Manager - Dev. Svs. Director
Assistant City Attorney
Public Services Director
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Richmond American Homes of California, Inc.
Attn: Mark Rosene
16845 Von Karman, Suite 100
Irvine, CA 92606

RESOLUTION NO. PC-05-75

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA ADOPTING THE NEGATIVE
DECLARATION AND RECOMMENDING APPROVAL OF
GENERAL PLAN AMENDMENT GP-05-01 AND REZONE
R-05-01**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, the City Council of the City of Costa Mesa adopted the 2000 General Plan on January 22, 2002;

WHEREAS, the General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of Costa Mesa;

WHEREAS, by its very nature, the General Plan needs to be updated and refined to account for current and future community needs;

WHEREAS, with respect to the approximately 5-acre vacant real property located at 2501 Harbor Boulevard, the General Plan land use designation is proposed to be changed from High Density Residential and Public/Institutional to Medium Density Residential and a rezone from Planned Development Residential-High Density (PDR-HD) and Institutional & Recreational (I&R) to Planned Development Residential-Medium Density (PDR-MD) is also proposed; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 14, 2005; and

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and an Initial Study/Negative Declaration and a Mitigation Monitoring Program was prepared, which reflect the independent judgment of the City of Costa Mesa, and was available for public review from October 14, 2005, to November 14, 2005, as required by CEQA; and

WHEREAS, the Planning Commission deems it to be in the best interest of the City that said general plan amendment and rezone be adopted.

BE IT RESOLVED that based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **ADOPTS** the Negative Declaration and **RECOMMENDS APPROVAL** of GP-05-01 and R-05-01 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that the following general plan amendment is consistent with the Zoning Code and the General plan, as amended: Change in the 2000 General Plan land use designation from High Density Residential and Public/Institutional to Medium Density Residential, as shown in Exhibit "B".

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that the proposed rezone from Planned Development Residential-High Density (PDR-HD) and Institutional & Recreational (I&R) to Planned Development Residential-Medium Density (PDR-MD) is compatible with the surrounding land uses, as shown in Exhibit "C".

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby recommend City Council approval of GP-05-01 and first reading of the ordinance adopting R-05-01.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for GP-05-01 and R-05-01. Should any material change occur, then this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 14th day of November, 2005.



Bill Perkins, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on November 14, 2005, by the following votes:

AYES: COMMISSIONERS: PERKINS, HALL, EGAN, FISLER, GARLICH

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE


Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed general plan amendment and rezone is consistent with the Zoning Code and the General Plan. Specifically, although the proposed general plan amendment and rezone will reduce the maximum allowable density for the site, an equivalent increase in residential units will be provided elsewhere in the City. Additionally, the proposal is consistent with the City's General Plan, specifically, policy LU-1C, because approval of the general plan amendment and rezone will allow a project that will be compatible and harmonious with surrounding properties and uses.
- B. An initial study was prepared, pursuant to the California Environmental Quality Act. According to the initial study and negative declaration, which reflect the independent judgment of the City of Costa Mesa, there will not be a significant effect on the environment because standard conditions of approval and mitigation measures have been added to the project.
- C. The evidence presented in the record as a whole indicates that the project will not individually or cumulatively have an adverse effect on wildlife resources or habitat.
- D. The proposed general plan amendment and rezone is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.